

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-cr-76-BO-1
No. 5:18-cv-167-BO

CHRISTIAN G. RHODES,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER

This cause comes before the Court on petitioner's motions to amend his 28 U.S.C. § 2255 [DE 65] and for an extension of time to reply to the government's motion to dismiss. [DE 67].

The motion implicates Federal Rule of Civil Procedure 15(a)(2), which provides that a party may amend its pleading with the court's permission. The law is well settled that "leave to amend a pleading should be denied *only* when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile."

Edwards v. City of Goldsboro, 178 F.3d 231, 242 (4th Cir. 1999) (emphasis in original, internal quotation marks and citation omitted). For good cause shown, petitioner's motions [DE 65, 67] are GRANTED. Petitioner shall file his response to the government's motion to dismiss, or his amended § 2255 motion, on or before October 30, 2019.

SO ORDERED, this 21 day of September, 2019.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE